

Appl. No. 09/322,708  
Amdt. dated 08/04/2004  
Reply to Office Action of April 5, 2004

### **REMARKS**

This Amendment is in response to the Office Action mailed April 5, 2004. In the Office Action, the Examiner rejected claims 1-5 under 35 U.S.C. § 102, rejected claims 6-9 under 35 U.S.C. § 103, and allowed claims 10-37. Applicant has amended claims 1 and 6. Claims 1-37 remain pending in the application. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### ***Rejection Under 35 U.S.C. § 102***

4. The Examiner rejects claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Pitroda et al. (US 4,149,038).

Applicant has amended claim 1 to add the element that the "transferring the TDM stream from the logic circuit, along a plurality of components of the transmission system, and back to the logic circuit" is done --without transferring the plurality unused fields of the TDM stream to a network coupled to the transmission system--. Pitroda discloses a method and apparatus in which a TDM stream including test data is transferred through a plurality of components including a switching network. Applicant respectfully submits that the claim, as amended, is clearly distinguished from the disclosure of Pitroda.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Pitroda.

#### ***Rejection Under 35 U.S.C. § 103***

7. The Examiner rejects claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda et al. (US 4,149,038), in view of Hilton et al. (US 6,185,594).

Applicant has amended claim 6 to add the element that the "transferring the TDM stream along a plurality of components of the transmission system" is done --without transferring the plurality unused fields of the TDM stream to a network coupled to the transmission system--. Pitroda discloses a method and apparatus in which a TDM stream including test data is transferred through a plurality of components including a switching network. Applicant respectfully submits that the claim, as amended, is clearly distinguished from the teachings of Pitroda.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda in view of Hilton.

#### ***Allowable Subject Matter***

8. Applicant notes with appreciation the Examiner's allowance of claims 10-37.

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***Conclusion***

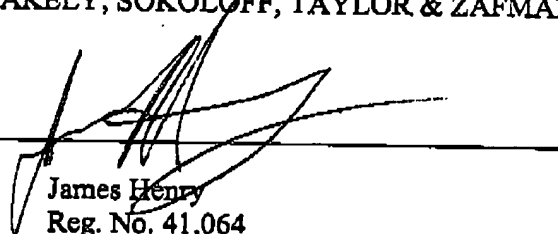
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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